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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,190	08/31/2004	Jaakko Itavaara	005288.00171	5189
22907	7590	10/17/2007		
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER TRAN, MYLINH T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/711,190

Applicant(s)

ITAVAARA ET AL.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's Amendment filed 08/06/07 has been entered and carefully considered. Claims 1, 6-7, 9-11, 16-17 and 19-20 have been amended. However, the limitations of the amended claims have not been found to be patentable over newly discovered prior art, therefore, claims 1-20 are rejected under the new ground of rejection as set forth below.

#### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,832,353. Although the conflicting claims are not identical, they are not

patentably distinct from each other because they both teach the features of "mapping each of the plurality of sections of the web page to at least one button of a plurality of buttons on the keypad, detecting that a user of the small-screen device has selected one of the plurality of buttons on the keypad and in response to the above step, displaying on the display the section of the web page mapped to the selected button".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Herigstad et al. [US. 2004/0174400].

**As to claims 1 and 11**, Herigstad et al. teach a small-screen device receiving a web page for display on a display of the small-screen device (figure 2A); mapping each of a plurality of sections of the web page to at least one button of a plurality of buttons on a keypad of the small-screen device (page 1, 0004), based at least in part on a position of each section within the web page as

compared to the position of the at least one button to which it is mapped within the keypad (page 1, 0005); detecting that a user of the small-screen device has selected one of the plurality of buttons on the keypad (page 1, 0007); in response to detecting that a user of the small-screen device having selected one of the plurality of buttons on the keypad, displaying on the display only the section of the web page mapped to the selected button (figure 2A).

**As to claims 3 and 13**, Herigstad et al. teach each section corresponding to a frame within the web page (figure 2A).

**As to claims 4 and 14**, Herigstad et al. also teach one of the sections corresponding to a table within the web page (page 3, 0036-0037).

**As to claims 5 and 15**, Herigstad et al. teach one of the sections being mapped to at least two buttons on the keypad (page 3, 0031-0033).

**As to claims 6 and 16**, Herigstad et al. teach identifying a predetermined number of subsections of the one section (page 1, 0005), the predetermined number of subsections corresponding to the number of buttons to which the one section is mapped; and mapping each of the plurality of subsections of the one section to one of the buttons to which the one section is mapped (page 3, 0035); based at least in part on a position of each subsection within the one section as compared to the position of the buttons to which the one section is mapped (page 1, 0006-0008, and wherein the displaying comprises displaying on the display the subsection of the web page mapped to the selected button (figure 2A)

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**As to claims 7 and 17**, Herigstad et al. also teach the displaying on the display comprising displaying an icon indicating which section of the web page is presently displayed (figure 2A).

**As to claims 8 and 18**, Herigstad et al. teach the icon comprising a sectional representation of the web page (figure 8).

**As to claims 9 and 19**, Herigstad et al. teach prior to the detecting that a user of the small-screen device having selected one of the plurality of buttons on the keypad, displaying a mapping screen indicating to the user of the small-screen device the mappings between sections and buttons (figure 8).

**As to claims 10 and 20**, Herigstad et al. teach the displaying on the display comprising displaying an icon indicating which section of the web page is presently displayed, and wherein the icon comprises a miniature representation of the mapping screen (figure 8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herigstad et al. [US. 2004/0174400] in view of Hawkins et al. [US. 6,516,202].

**As to claims 2 and 12**, Herigstad et al. fail to clearly teach the keypad comprising a 12-key telephone keypad. However, in the same field of the invention, the claimed limitation is disclosed by Hawkins et al. at figure 8a, column 2, lines 44-64. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hawkins's of teaching of comprising a 12-key telephone keypad with the teaching of Herigstad et al. Motivation of the combination would have been for the advantage of reliability, simplicity of an input device.

### **Response to Arguments**

Regarding Double Patenting rejection, the rejection is still maintained. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No.

6,832,353. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both teach the features of "mapping each of the plurality of sections of the web page to at least one button of a plurality of buttons on the keypad, detecting that a user of the small-screen device has selected one of the plurality of buttons on the keypad and in response to the above step, displaying on the display the section of the web page mapped to the selected button".

Applicant's arguments with respects to claims 1-20 have been considered but are moot in view of the new ground of rejection.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran  
Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER

